

Notice of Allowability

Application No.

10/829,218

Examiner

Wendy C Haas

Applicant(s)

HOFMANN, BIRGIT C.

Art Unit

1661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed April 22, 2004.
2. ☒ The allowed claim(s) is/are the claim.
3. ☒ The drawings filed on 22 April 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

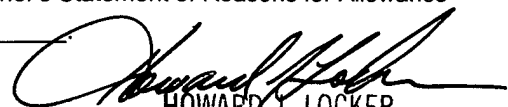
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 2/14/05
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


HOWARD J. LOCKER
EXAMINER
GROUP ART UNIT 1661

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Richard C. Peet on February 16, 2005.

The application has been amended as follows:

- A. Page 1, line 2, the recitation "Genus and species of the plant claimed:" has been deleted and is replaced with the recitation, -- BOTANICAL DESCRIPTION --.
- B. Page 1, line 3, the recitation "*W. Bull* (hybrid)" has been deleted.
- C. Page 1, line 4, the words "Variety Denomination:" have been changed to read -- VARIETY DENOMINATION --.
- D. Page 1, line 5, the "Fisupnic Flame" has been changed to -- 'Fisupnic Flame' --.
- E. Page 1, lines 7 and 8, the words "*New Guinea Impatiens*" have been changed to read --New Guinea Impatiens --.
- F. Page 1, line 8, the words "*W. Bull*" have been deleted.
- G. Page 1, line 13, the phrase "(U.S. Plant Patent No." has been changed to read -- (United States Plant Patent Number --.
- H. Page 1, line 16, the phrase "(U.S. Plant Patent No." has been changed to read -- (United States Plant Patent Number --.

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I. Page 2, lines 22-24 have been deleted and are replaced with the following recitation: -- Of the many commercial cultivars known to the inventor, the two most similar in comparison to “Fisupnic Flame” are the parental variety, ‘Fisimp 102’, and ‘Fisnics Flame’ (United States Plant Patent Number 14,694). --.

J. Page 4, line 7, the phrase “4.5-6.5” has been changed to – 4.5 to 6.5--.

K. Page 4, line 8, the phrase “15-18” has been changed to – 15 to 18--.

L. Page 4, line 9, the phrase “7-9” has been changed to – 7 to 9--.

M. Page 4, line 21, the phrase “ – 11.5” has been changed to -- 11.5--.

N. Page 4, line 22, the phrase “ – 4.7” has been changed to -- 4.7--.

O. Page 5, line 1, the phrase “RHS 53 A-B” has been changed to -- RHS 53A to 53B --.

P. Page 5, line 6, the phrase “2.5 – 3.0 cm length” has been changed to – 2.5 to 3.0 cm in length--.

Q. Page 5, line 10, the phrase “9 – 10” has been changed to -- 9 to 10--.

R. Page 5, line 14, the phrase “6-9” has been changed to – 6 to 9--.

S. Page 6, line 11 the word “Pedicel” has been changed to – Peduncle --.

T. Page 6, line 12, the word “Pedicel” has been changed to -- Peduncle--.

U. Page 7, line 2, (in the claim) “*New Guinea Impatiens*” has been changed to read – New Guinea Impatiens--.

V. Page 8, line 2, (in the abstract) “*New Guinea Impatiens*” has been changed to read – New Guinea Impatiens--.

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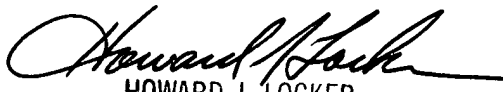
Future Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wendy C Haas whose telephone number is (571) 272-0976. The examiner can normally be reached on Monday through Friday 7:00 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

W. C. Haas


HOWARD J. LOCKER
EXAMINER
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